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Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
(HONORABLE ROBERT H. WHALEY)

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

TIMOTHY SHELLEY,)

Defendant.)

CR-09-0089-RHW

MEMORANDUM IN SUPPORT OF
MOTION TO CONTINUE
SENTENCING HEARING

TO: JAMES McDEVITT, UNITED STATES ATTORNEY
STEPHANIE LISTER, ASSISTANT UNITED STATES ATTORNEY

TIMOTHY SHELLEY, through counsel, Amy H. Rubin for the
Federal Defenders of Eastern Washington and Idaho, moves the Court to
continue the sentencing hearing currently scheduled for June 30, 2010
and to extend the filing deadline for Objections to the Presentence
Investigation Report and Sentencing Memorandum.

CASE BACKGROUND

On August 20, 2009, Mr. Shelly appeared before Magistrate
Imbrogno and was advised of the allegations contained in the
Indictment. The allegations included in the Indictment were violations of
18 U.S.C. § 2422(b), 18 U.S.C. § 2251(a), 18 U.S.C. § 2423(b), 18 U.S.C.

1 §§ 2428 and 2253.

2 On March 24, 2010, Mr. Shelly entered a plea of guilty pursuant to
3 written plea agreement. Sentencing is presently scheduled for June 30,
4 2010 at 9AM.

5 **REQUEST FOR CONTINUANCE**

6 Mr. Peven is co-counsel on this case along with the undersigned
7 and would like to be present at the sentencing of Mr. Shelly. However,
8 Mr. Peven plans to be out of town from June 25 through July 2, 2010.
9 Therefore, counsel would respectfully ask the Court to move the date of
10 sentencing from June 30 to mid-September. Mr. Shelly faces a
11 significant sentence, so a delay will not negatively affect the amount of
12 time he is detained.

13 Furthermore, Mr. Shelly has out-of-town family who has indicated
14 that they would like to attend the sentencing. If the family is able to
15 attend the sentencing hearing, setting the sentencing hearing in
16 September will allow them sufficient time in order to make travel plans
17 and take advantage of any airline specials that might be available.

18 Assistant United States Attorney Stephanie Lister was contacted
19 regarding the continuance request and has no objection to this request.
20 Mr. Shelly has no objections to continuing the sentencing. After speaking
21 to AUSA Lister, both parties believe that a sentencing date scheduled in
22 mid-September is appropriate..

23 FOR THE FOREGOING REASONS, Mr. Shelly respectfully
24

1 requests that this Court grant his motion to continue the sentencing
2 hearing until mid-September. Counsel further requests more time in
3 which to file the Objections to the Presentence Investigation Report and
4 Sentencing Memorandum. Lastly, neither party requests a hearing on
5 the matter.
6

7 Dated: June 1, 2010

8
9 Respectfully Submitted,

10 s/ Amy H. Rubin
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14 Eastern Washington and Idaho
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s/ Amy H. Rubin
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